

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Thomas J. Tucker
-----X	:	

**STIPULATION BY AND BETWEEN THE CITY OF DETROIT, MICHIGAN
AND 660 WOODWARD ASSOCIATES LLC
RESOLVING CLAIM NUMBER 3800 FOR REJECTION DAMAGES**

The City of Detroit, Michigan ("City") and 660 Woodward Associates LLC ("660 Woodward"; and collectively with the City, the "Parties") stipulate and agree as follows:

WHEREAS, on December 17, 2014, 660 Woodward filed its proof of claim number 3800, wherein it asserted a rejection damages claim for \$11,145.52, which included an administrative expense component in the amount of \$7,895.52 ("Claim 3800");

WHEREAS, on October 22, 2014, the City filed its *Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014)* (the "Plan," Doc. No. 8045);¹

WHEREAS, the Plan became effective on December 10, 2014 (the "Effective Date");

WHEREAS, 660 Woodward and the City have now conferred and reached agreement regarding Claim 3800;

NOW, THEREFORE, the Parties stipulate and agree as follows:

1. Claim 3800 is allowed, in part, as a general unsecured claim in the amount of \$4,257.50 (the "Unsecured Claim").

¹ Capitalized terms not defined herein have the definitions given to them in the Plan.

2. Claim 3800 is also allowed, in part, as an ordinary course expense, as defined in Article II, Section A.2.b of the Plan, for \$6,600.81 for post-petition expenses as documented by Claim 3800 (the “Ordinary Course Claim”). Within twenty-one (21) days of the date of entry of the proposed Order submitted with this Stipulation, the City will pay in full to 660 Woodward the Ordinary Course Claim.

3. Other than the Unsecured Claim and the Ordinary Course Claim, 660 Woodward has no further Claims of any kind against the City as of the Effective Date. The City’s claim’s agent is authorized to update the claims register accordingly, subsequent to entry of the Order attached hereto as Exhibit 1 and to which the Parties hereby stipulate to entry.

4. 660 Woodward has not transferred or assigned any Claims of any kind to any third party.

5. Nothing in this stipulation is to be construed as a waiver of any of the City’s rights to assert and pursue any claims against 660 Woodward, including, without limitation, claims under chapter 5 of the Bankruptcy Code, and to challenge the assertion of Claim 3800 as a defense to such claims. 660 Woodward denies that any such claims exist.

6. Nothing in this stipulation is intended to or will revive, reinstate, or affirm any rights, remedies, claims, or defenses of either Party against the other that expired or were otherwise barred, satisfied, released, waived, or discharged as of, or upon the occurrence of, the Effective Date of the Plan. This stipulation is not a modification of the Plan.

**SO STIPULATED,
APPROVED AS TO FORM AND CONTENT:**

August 19, 2015

<p>For the City of Detroit, Michigan By Miller, Canfield, Paddock & Stone, PLC</p> <p>By: <u>/s/ Ronald A. Spinner</u> Ronald A. Spinner (P73159) 150 West Jefferson, Suite 2500 Detroit, MI 48226 (313) 496-7319 swansonm@millercanfield.com</p>	<p>For 660 Woodward Associates LLC By Lawrence A. Lichtman, Esq.</p> <p>By: <u>/s/ Lawrence A. Lichtman</u> Lawrence A. Lichtman, Esq. (P35403) Honigman Miller Schwartz and Cohn LLP 2290 First National Building 660 Woodward Avenue Detroit, MI 48226-3506 (313) 465-7590 llichtman@honigman.com</p>
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EXHIBIT 1

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

	X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Thomas J. Tucker
	X	

**[PROPOSED] ORDER APPROVING THE STIPULATION
BY AND BETWEEN THE CITY OF DETROIT, MICHIGAN
AND 660 WOODWARD ASSOCIATES LLC
RESOLVING CLAIM NUMBER 3800 FOR REJECTION DAMAGES**

This matter having come before the Court on the *Stipulation by and Between the City of Detroit, Michigan and 660 Woodward Associates LLC Resolving Claim Number 3800 for Rejection Damages*, the Court having reviewed the Stipulation² and being otherwise fully advised in the premises, and there being good cause, NOW THEREFORE IT IS ORDERED THAT

1. Claim 3800 is allowed, in part, as a general unsecured claim in the amount of \$4,257.50.
2. Claim 3800 is also allowed, in part, as an ordinary course expense claim, as defined in Article II, Section A.2.b of the Plan, for \$6,600.81 for post-petition expenses, which amount shall be paid in full by the City to 660 Woodward within twenty-one (21) days of the date of entry of this Order.

² Capitalized terms not defined in this Order have the meaning given to them in the Stipulation.

3. Other than the claims described in this Order, 660 Woodward Associates LLC has no further claims of any kind against the City of Detroit (“City”) as of December 10, 2014. The City’s claim's agent is authorized to update the claims register accordingly.

4. No third party may assert a claim against the City on the basis that it has been assigned a claim originally asserted by 660 Woodward Associates LLC.

5. Allowance of Claim 3800, as provided herein, does not waive the City’s rights to assert and pursue any claims against 660 Woodward Associates LLC, including, without limitation, claims under chapter 5 of the Bankruptcy Code, and to challenge the assertion of claim number 3800 as a defense to such claims. 660 Woodward Associates LLC has denied that any such claims exist.

6. Neither the stipulation nor this Order revives, reinstates, or affirms any rights, remedies, claims, or defenses of the City or 660 Woodward Associates LLC against each other that expired or were otherwise barred, satisfied, released, waived, or discharged as of, or upon the occurrence of, the Effective Date of the Plan. Neither the stipulation nor this Order modifies the Plan.